

**FILED**

AUG 24 2006

**BEFORE THE STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE**

**NEBRASKA DEPARTMENT  
OF INSURANCE**

STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE,

PETITIONER,

vs.

FIRST LANDMARK LIFE  
INSURANCE COMPANY,

RESPONDENT.

CONSENT ORDER

CAUSE NO.: C-1586

In order to resolve this matter, the Nebraska Department of Insurance ("Department"), by and through its attorney, Christine M. Neighbors, and First Landmark Life Insurance Company, its representative, hereby enter into this Consent Order to resolve all issues with regard to the above captioned matter and jointly stipulate and follows:

**JURISDICTION**

1. The Department is a duly designated agency to exercise jurisdiction and control over the transaction of insurance business by Respondent in the State of Nebraska. Such jurisdiction and control was present at all times material hereto.
2. Respondent is a licensed insurance company domiciled in the State of Nebraska whose registered address with the Department of Insurance is 1219 N. West Street, Wilmington, DE 19801.

### STIPULATIONS OF FACT

1. The Department initiated this administrative proceeding by filing a Petition styled State of Nebraska Department of Insurance vs. First Landmark Life Insurance Company on August 2, 2006. A copy of the Petition was served upon the Respondent to the attention of Martin Oliner, President, by certified mail, return receipt requested and by U.S. Mail, postage prepaid.

2. Respondent violated the Insurance Holding Company System Act, *Neb. Rev. Stat.* §44-2132, by failing to file its annual registration statement by May 1, 2006. The registration statement and the summary of the registration statement were received by the Department of Insurance on May 15, 2006. The violation is also an unfair trade practice in the business of insurance pursuant to *Neb. Rev. Stat.* §44-2143 (3).

3. The Respondent was informed of its right to a public hearing before the Director of Insurance for the State of Nebraska or his designee on the matter alleged in the Petition filed by the Department but has voluntarily chosen to waive that right in order to resolve the matter without the need for further litigation.

4. Respondent enters into this Consent Order freely and voluntarily, and solely for the purposes of this pleading, Respondent admits the allegations contained in Paragraph #2 above.

### CONCLUSIONS OF LAW

Respondent's conduct as alleged above constitutes a violation of *Neb. Rev. Stat.* §44-2132 and §44-2143(3).

CONSENT ORDER

It is therefore ordered by the Director of Insurance and agreed to by Respondent, First Landmark Life Insurance Company, that Respondent shall pay a monetary penalty in the amount of \$1,500 to the Nebraska Department of Insurance within thirty days of the date the Director enters a final order on the basis of this Consent Order. The Nebraska Department of Insurance shall retain jurisdiction of this matter for the purpose of enabling the Department or Respondent to make application for such further orders as may be necessary. In witness of their intent to be bound by the above-stated terms of this Consent Order, the Department of Insurance for the State of Nebraska and First Landmark Life Insurance Company hereby sign this Consent Order by and through their

authorized representatives.

Christine M. Hughes  
Department of Insurance  
941 "O" Street  
Suite 400  
Lincoln, NE 68508  
(402) 471-4649

Walter Oleary  
Title: President  
First Landmark Life Insurance Company

Date: \_\_\_\_\_

Date: 8/24/06

State of New York )  
County of New York ) ss.

On this 24<sup>th</sup> day of August, 2006, \_\_\_\_\_

personally appeared before me and read this Consent Order, executed the same and acknowledged the same to be his voluntary act and deed.

Patricia Reul  
Notary Public  
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PATRICIA REUL  
Notary Public, State of New York  
No. 01RE6011966  
Qualified in Orange County  
Certificate filed in New York County  
Commission Expires June 15, 2007

I hereby certify that the foregoing Consent Order is adopted as the Final Order of the Nebraska Department of Insurance in the matter of State of Nebraska Department of Insurance vs. First Landmark Life Insurance Company, Cause No.: C-1586.



L. TIM WAGNER  
Director of Insurance

8/24/06

Date

#### CERTIFICATE OF SERVICE

I hereby certify that a copy of the executed Consent Order was sent to First Landmark Life Insurance Company, Martin Oliner, President, 1219 N. West Street, Wilmington, DE 19801 by certified mail, return receipt requested on this 25<sup>th</sup> day of August, 2006.

